

SMITH, GAMBRELL & RUSSELL, LLP

ATTORNEYS AT LAW

SUITE 800

1850 M STREET, N.W.

WASHINGTON, D.C. 20036

TELEPHONE (202) 263-4300

FACSIMILE (202) 263-4329

WEBSITE www.sgrlaw.com

ATLANTA OFFICE

SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA 30309-3502
TELEPHONE
(404) 815-3500
FACSIMILE
(404) 815-3509

Suzannah K. Sundby
(202) 263-4332

Direct Fax No. – (202) 263-4352
E-Mail – ssundby@sgrlaw.com

ESTABLISHED 1893

FLORIDA OFFICE

SUITE 2800, BANK OF AMERICA TOWER
50 NORTH LAURA STREET
JACKSONVILLE, FL 32202
TELEPHONE
(904) 598-6100
FACSIMILE
(904) 598-6300

22141 U.S.PTO
10/763339

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: New Applications

Dear Sir:

This is a request for filing a Continuation, Divisional, or Continuation-in-Part under 37 C.F.R 1.53(b) of the prior utility patent application Serial No. 09/848,370, filed on 4 May 2001, entitled:

ASSAY FOR DETECTING, MEASURING AND MONITORING THE ACTIVITIES AND CONCENTRATIONS OF PROTEINS AND METHODS OF USE THEREOF

by the following inventor(s):

**Shawn R. Feaster
525 Stedford Lane
Duluth, Georgia 30097**

**Richard K. Gordon
9024 Willow Valley Drive
Potomac, Maryland 20854**

**Bhupendra P. Doctor
10613 Great Arbor Drive
Potomac, Maryland 20854**

The Examiner of the prior application is **Sandra E. Saucier** and the Group Art Unit of the prior application is **1651**.

The Attorney Docket No. for the present application is **034047.033.1 (00-23)**.

I. APPLICATION ELEMENTS:

- A Preliminary Amendment is enclosed (includes amendment to cross reference to related applications).

15019
012604
U.S.PTO

012604
10/763339

2. The filing fee has been calculated on the basis of the claims existing in the prior application as amended at 1 above.

	(Col. 1)	(Col. 2)
For	No. Filed	No. Extra
Basic Fee		
Total Claims	10 =	0
Indep. Claims	1 =	0
<input type="checkbox"/> Multiple Dependent Claim Presented		

*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

SMALL ENTITY	
Rate	Fee
	\$385.00
x 9 =	
x 43 =	
+ 145 =	
Total	

LARGE ENTITY	
Rate	Fee
	\$770.00
x 18 =	\$0.00
x 86 =	\$0.00
+ 290 =	
Total	770.00

3. Small Entity Status Assertion under 35 U.S.C. 1.27(c)(1):

Applicant is is not a Small Entity.

4. Enclosed herewith is a specification containing:

- (a) 58 pages of description;
- (b) 8 pages of claims (37 claims);
- (c) 1 page of Abstract

5. Enclosed herewith are 22 sheets of drawings (Figures 1-18).

6. Oath or Declaration

- (a) A copy of the Oath or Declaration from a prior application Serial No. 09/911,520, filed on 25 July 2001, under 37 C.F.R. 1.63(d) which includes the Declaration as originally filed is enclosed.
- (b) An newly executed Oath or Declaration is enclosed.
- (c) A signed statement deleting inventor(s) named in the prior application under 37 C.F.R 1.63(d)(2) and 1.33(b) is enclosed.

7. An Application Data Sheet under 37 C.F.R. 1.76 is not enclosed.

8. Nucleotide and/or Amino Acid Sequence Submission is not enclosed.

- (a) A Computer Readable Form (CFR) of Sequence Listing is enclosed.
- (b) A paper copy of Sequence Listing is enclosed.
- (c) Statements verifying identity of the above copies are included in the Submission of Sequence Listing.

II. ENCLOSURES:

We enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

9. Assignment papers. The prior application is assigned of record to *.
10. 37 C.F.R 3.73(b) Statement (where assignee).
11. Power of Attorney:
 - (a) The Power of Attorney to Suzannah K. Sundby, Registration No. 43,172, is in the original papers of the prior application, Serial No. 09/848,370, filed on 4 May 2001.
 - (b) A copy of the Power of Attorney from the prior application, Serial No. 09/848,370, filed on 4 May 2001.
 - (c) A newly executed Power of Attorney.
12. A copy of the prior application as originally filed, Serial No. 09/848,370, filed on 4 May 2001. The entire disclosure of the prior application is hereby incorporated by reference.
13. Information Disclosure Statement(s) and PTO 1449 which were filed in Serial No. 09/848,370, filed on 4 May 2001, which is relied on for an earlier filing date under 35 U.S.C. 120.
14. Copies of form PTO-892 Notice of References Cited.
15. 2 return receipt postcards.

III. PETITION FOR EXTENSION OF TIME

16. A copy of the Petition for an Extension of * Month filed in the prior application, Serial No. 09/848,370, filed on 4 May 2001, to extend the life of the prior application to at least the date hereof is enclosed and
 - (a) is being concurrently filed in that prior application.
 - (b) was previously filed in that application.
 - (c) is not necessary.
17. If a Petition for an Extension of Time is necessary and the Petition and/or the check is not enclosed, the Applicant hereby petitions the Commissioner to extend the time for response and charge any fees necessary under 37 C.F.R. 1.17(a)(a1)-(5) to Deposit Account No. 210-380, Reference No. 034047.033.1 (00-23).

IV. CORRESPONDENCE ADDRESS

The correspondence address for this application is (37 C.F.R. §1.51(vii)):

**Office of the Staff Judge Advocate
U.S. Army Medical Research and Materiel Command
ATTN: MCMR-JA (Ms. Elizabeth Arwine)
504 Scott Str et**

Fort Detrick, MD 21702-5012**V. STATEMENT AS TO WHETHER INVENTION WAS MADE BY AN AGENCY OF THE U.S. GOVERNMENT OR UNDER CONTRACT WITH AN AGENCY OF THE U.S. GOVERNMENT. (37 C.F.R. §1.51(viii)):**

This invention was made by the United States Army Medical Research and Materiel Command, which is an agency of the United States Government.

VI. CLAIM FOR PRIORITY:

18. Foreign priority benefits under 35 U.S.C. 119(a)-(d) is hereby claimed of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Foreign Application: Country: Filing Date:

19. The benefit of priority under 35 U.S.C. 119(e) is hereby claimed of the United States provisional patent application(s) listed below:

Serial No.: 60/202,201 Filed: 5 May 2000 Status: Abandoned

20. The benefit of priority under 35 U.S.C. 120 is hereby claimed of any United States non-provisional patent application(s) listed below:

Serial No.: 09/848,370 Filed: 4 May 2001 Status: Allowed

VII. METHOD OF FEE PAYMENT

21. A check in the amount of **\$0.00** is enclosed.

22. Please charge Deposit Account No. **210-380**, Reference No. **034047.033.1 (00-23)** in the amount of **\$770.00**.

23. The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **210-380**, Reference No. **034047.033.1 (00-23)**. A duplicate copy of this sheet is attached.

(a) Any additional filing fees required under 37 C.F.R. §1.16.

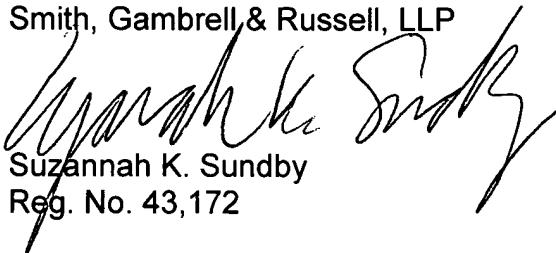
(b) Any patent application processing fees under 37 C.F.R. §1.17.

(c) If the Filing Fee is found to be insufficient for any reason, please charge such deficiency to Deposit Account No. **210-380**, Reference No. **034047.033.1 (00-23)**.

24. This application is being filed under Rule 53(f) and therefore the
(a) Filing Fee
(b) Declaration
is not enclosed. All authorization to charge Deposit Account No. 210-380,
Reference No. 034047.033.1 (00-23) for 35 C.F.R. 1.16 fees previously
made is revoked.

It is respectfully requested that, of the two attached post cards, one be stamped
with the filing date of these documents and returned to our courier, and the other
prepaid postcard be stamped with the filing date and unofficial serial number and
returned as soon as possible.

Respectfully submitted,
Smith, Gambrell & Russell, LLP


Suzannah K. Sundby
Reg. No. 43,172

26 January 2004
1850 M Street, NW #800
Washington, DC 20036
202-263-4332